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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,096	08/08/2001	Erik K. Jurvis	25040A	3728

22889 7590 11/20/2002

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,096

Applicant(s)

JURVIS, ERIK K.

Examiner

Chi Q Nguyen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 2, 3, 5 the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because examiner's uncertain whether applicant claims the structural elements for the siding system; otherwise, as best understood, only a body or a component for attachment adjacent to the siding strip is positively claimed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3637

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. As best understood, claims 1-5, 9, 11, 15, 16 are rejected under 35

U.S.C. 102(b) as being anticipated by Chubb (US 5,326,060).

Chubb discloses a plastic building wall mount assembly comprising siding S, a body/plate-like 12 having an engagement surface 18-18c surrounds an opening 16 and parallel to the wall for at least partially engaging a second portion of the utility-related structure P, including a back wall or integral portion 14 serves as integral fasteners adapted to be mounted to the wall of a house, the opening 16 to accommodate for an electrical box housing (col. 2, lines 29-30), or for use in mounting a faucet F (lines 63-64), one or more fastener receiving apertures/receiver 15 provided in the body 12 whereby non-integral fasteners (nails) extending through apertures 15 in the back wall 14 (col. 2, lines 36-37), at least one hole 20 adjacent to the opening 16. (See figs. 1-7).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8, 10, 12-14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chubb (US 5,326,060) in view of Cornelius (US 5,878,542) and Jurvis (US 6,408,580).

Art Unit: 3637

Chubb disclosed the structural elements for the plastic building wall mount assembly as stated in paragraph 6. Chubb does not disclose expressly a portion of the body is outwardly bowed to simulate the appearance of a log or timber, integral portion having a surface that simulates the appearance of grout or chinking between the component and an adjacent siding strip, a second siding strip with second receiver.

Cornelius teaches log siding comprising a body 54 having a profile that is outwardly bowed relative to a log or timber siding 28 as shown in fig. 8 with more than one siding strip as shown in fig. 2. And Jurvis teaches siding system having integral portion 12 that simulated grout or chinking portion 12 (col. 6, lines 53-54). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Chubb's the building wall mounting component with Cornelius's for the body having a profile that is outwardly bowed relative to the log or timber siding and Jurvis's for the integral portion that simulated grout or chinking with the siding. The motivation for doing so would have been to enhance the cosmetic appearance for the building siding.

9. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chubb (US 5,326,060) in view of Cornelius (US 5,878,542) and Jurvis (US 6,408,580). Chubb, Cornelius and Jurvis teach the structural elements for the siding system except for the method of assembly, examiner considers this to be the obvious method of setting up the device of the claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lacy (5,775,032), Schiedegger (US 5,918,431), Merkle (US

Art Unit: 3637

5,996,295), MacLeod (US 5,000,409), Hayes (US 6,338,225), Jacobson (US 4,512,148), JP 6-17496, 2-61245, 1-207567.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Chi Nguyen

CQN

11/14/02

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